

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 Keiton Smith,

4 Plaintiff

5 v.

6 NDOC, et al.,

7 Defendants  
8

Case No. 2:22-cv-00872-CDS-EJY

## Order Dismissing Defendants

9 The amended complaint in this action was filed on August 4, 2022. ECF No. 8. On April  
10 5, 2024, the court issued a notice of intent to dismiss under Federal Rule of Civil Procedure 4(m)  
11 explaining that unless plaintiff Keiton Smith filed proof of service as to Dr. Cheryl and Dennis  
12 McKee by May 5, 2024, the court would enter an order of dismissal for those defendants. ECF  
13 No. 110. However, the copy of the notice that was sent to Smith was returned as undeliverable.  
14 ECF No. 111. Based on the returned notice, the court sua sponte extended the deadline for Smith  
15 to file proof of service as to Dr. Cheryl and Dennis McKee to June 5, 2024. ECF No. 112. Smith  
16 was cautioned that failure to comply would result in their dismissal without further notice. *Id.*  
17 The deadline has now passed, and no proof of service has been filed.

18 IT IS THEREFORE ORDERED that defendants Dr. Cheryl and Dennis McKee are  
19 dismissed from this action without prejudice.

20 Dated: June 11, 2024

  
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22 Cristina D. Silva  
23 United States District Judge  
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